



IFW

Docket No. 4992 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of) Group Art Unit: 1623
Barnett B. ROSENBLUM) Examiner: To be assigned
Serial No.: 10/718,016)
Filed: November 19, 2003)
For: **POLYNUCLEOTIDE SEQUENCE**)
DETECTION ASSAYS)
CERTIFICATE OF MAILING under 37 C.F.R. 1.8
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INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
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Sir:

Applicants submit herewith patents, publications or other information (listed on the attached Form PTO/SB/08A) of which they are aware, which may be material to the examination of this application and in respect of which there may be a duty to disclose in accordance with 37 CFR §1.56.

This Information Disclosure Statement:

- (a) [] accompanies a new patent application submitted herewith.
- (b) [] is filed within three months after the filing date of the application or within three months after the date of entry of the national stage of a PCT application as set forth in 37 CFR §1.491.
- (c) [X] as far as is known to the undersigned, is filed before the mailing date of a first Office action on the merits.
- (d) [] as far as is known to the undersigned, is filed before the mailing date of a first Office action after the filing of a request for continued examination under § 1.114.

(e) [] is filed after the first Office Action and more than three months after the application's filing date or PCT national stage date of entry filing but, as far as is known to the undersigned, prior to the mailing date of either a final action under §1.113, a notice of allowance under §1.311, whichever occurs first, and is accompanied by either the fee (\$180) set forth in 37 CFR §1.17(p) or a certification as specified in 37 CFR §1.97(e), as checked below. Should any fee be due, the U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.

(f) [] is filed after the mailing date of either a final rejection or a notice of allowance, but on or before the payment of the issue fee, and is accompanied by the fee (\$180) set forth in 37 CFR §1.17(i)(1) **and** a certification as specified in 37 CFR §1.97(e), as checked below. **This document is to be considered as a petition requesting consideration of the information disclosure statement.** The U.S. Patent and Trademark Office is hereby authorized to charge Deposit Account No. 01-2213 in the amount of \$180.00 to cover the cost of this Information Disclosure Statement. Any deficiency or overpayment should be charged or credited to this deposit account. A duplicate of this sheet is enclosed.

[If either of boxes (e) or (f) is checked above, the following "certification" under 37 CFR §1.97(e) may need to be completed.] The undersigned certifies that:

[] Each item of information contained in the information disclosure statement was first cited in a communication mailed from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this information disclosure statement.

[] No item of information contained in this information disclosure statement was cited in a communication mailed from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, was known to any individual designated in 37 CFR §1.56(c) more than three months prior to the filing of this information disclosure statement.

A copy of all foreign patent documents and non-patent literature items listed on PTO/SB/08A are supplied herewith in accordance with 37 CFR §1.98(a)(2).

While the information and references disclosed in this Information Disclosure Statement may be "material" pursuant to 37 CFR §1.56, it is not intended to constitute an admission that any patent, publication or other information referred to therein is "prior art" for this invention unless specifically designated as such.

In accordance with 37 CFR §1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR §1.56(a) exists. It is submitted that the Information Disclosure Statement is in compliance with 37 CFR §1.98 and MPEP §609 and the Examiner is respectfully requested to consider the listed references.

Respectfully submitted,

Date: 12-8-04



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Substitute for form 1449A/PTO		DEC 13 2004		Complete if Known	
				Application Number	10/718,016
				Filing Date	November 19, 2003
				First Named Inventor	ROSENBLUM
				Group Art Unit	1623
				Examiner Name	To be assigned
Sheet	1	of	3	Attorney Docket No.	4992 US

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	U.S. Patent Document Number	Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines Where Relevant Passages or Relevant Figures Appear
		Kind Code ²			
	01	4,883,750	WHITELEY et al.	11/28/1989	
	02	4,988,617	LANDEGREN et al.	01/29/1991	
	03	5,185,243	ULLMAN et al.	02/09/1993	
	04	5,242,794	WHITELEY et al.	09/07/1993	
	05	5,427,930	BIRKENMEYER et al.	06/27/1995	
	06	5,470,705	GROSSMAN et al.	11/28/1995	
	07	5,476,930	LETSINGER et al.	12/19/1995	
	08	5,494,810	BARANY et al.	02/27/1996	
	09	5,514,543	GROSSMAN et al.	05/07/1996	
	10	5,516,641	ULLMAN et al.	05/14/1996	
	11	5,516,663	BACKMAN et al.	05/14/1996	
	12	5,521,065	WHITELEY et al.	05/28/1996	
	13	5,580,732	GROSSMAN et al.	12/03/1996	
	14	5,573,907	CARRINO et al.	11/12/1996	
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	17	5,777,096	GROSSMAN et al.	07/07/1998	
	18	5,789,206	TAVTIGIAN et al.	08/04/1998	
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	25	5,962,223	WHITELEY et al.	10/05/1999	
	26	5,989,871	GROSSMAN et al.	11/23/1999	
	27	6,004,826	SEGEV	12/21/1999	
	28	6,027,889	BARANY et al.	02/22/2000	
	29	6,054,564	BARANY et al.	04/25/2000	
	30	6,054,266	KRONICK et al.	04/25/2000	
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	33	6,312,892	B1 BARANY et al.	11/06/2001	
	34	6,395,486	B1 GROSSMAN	05/28/2002	
	35	6,511,810	B2 BI et al.	01/28/2003	
	36	6,558,928	B1 LANDEGREN	05/06/2003	
	37	6,632,606	B1 ULLMAN et al.	10/14/2003	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Substitute for form 1449A/PTO		<i>Complete if Known</i>	
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		Filing Date	November 19, 2003
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		Group Art Unit	1623
		Examiner Name	To be assigned
(Use as many sheets as necessary)		Sheet 2 of 3	
		Attorney Docket No. 4992 US	

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		Number	Kind Code ²			
	38	2002/0102592	A1	LANDEGRENN	08/01/2002	
	39	2003/0032016	A1	BARANY et al.	02/13/2003	

FOREIGN PATENT DOCUMENTS

OTHER ART - NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T
	55	M. KHANNA et al., "Multiplex PCR/LDR for Detection of K-ras Mutations in Primary Colon Tumors" <i>Oncogene</i> (1999), Vol. 18, pp. 27-38	

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Sheet	3	of	3	Attorney Docket No.	4992 US

OTHER ART - NON PATENT LITERATURE DOCUMENTS				
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.		T ²
	56	P. GROSSMAN et al., "High-density Multiplex Detection of Nucleic Acid Sequences: Oligonucleotide Ligation Assay and Sequence-coded Separation" Nucleic Acids Research (1994), Vol. 22, No. 21, pp. 4527-4534		
	57	H. M. WENZ et al., "High-precision Genotyping by Denaturing Capillary Electrophoresis" Genome Research (1998), Vol. 8, pp. 69-80		
	58	U.S. Application No. 10/866,012, filed June 10, 2004, "Ligation Assay" 51 pgs. Specification; 3 pgs. Figures.		
	59	U.S. Application No. 10/982,619, filed November 4, 2004, "Concatameric Ligation Products: Compositions, Methods and Kits for Same" 88 pgs. Specification; 9 pgs. Figures		

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